√ p.17

19 39 .

Department of Finance

OFFICE Board of Finance.

STATION Madrid

Mis No. 1420

Dated 25-5-39
~~3-6-39~~

10

Legation
d'Italie
T.A. 600

CF. 40
NF. 8
Pages in the file 48

(SUBJECT.)

Village Officers - Shaykhs - Deputy - (J.H. -
Chiefs Tribal - Kaidan Caids - Appointment
Powers Police of grandson Si Mohamed Ben
Ahmed.

ಅರ್ಜಿ 1/38

೧ನೆ ಅಪೀಲುದಾರರ ಕಡೆ ವಕಾಲತ್‌ನಾಮೆ

(1908ನೇ ಇಸವಿ Vನೇ ಆಕ್ಟಿನ 3ನೇ ಆರ್ಡರ್ 4ನೇ ರೂಲ್ ವ ಸಿವಿಲ್ ರೂಲ್ಸ್ ಆಫ್ ಪ್ರೆಕ್ಟೀಸಿನ 276 Aನೇ ರೂಲ್ಸ್ ಪ್ರಕಾರ)

~~ದಕ್ಷಿಣಕನ್ನಡಾ~~ ಜಿಲ್ಲಾ ಮುನ್ಸೀಫ್ ಆಫೀಸು ಕೋರ್ಟ್‌ನಲ್ಲಿ

Rev. Petn ನಂಬ್ರ 193

Minor Bhavani Sankar Rao by guardian Sri Mohan Rao and ಇತ್ಯಾದಿ Srinivasa Mudaliar & Ors.

ಇನಕೊಳಗೆ

I, Minor Bhavani Sankara Rao by guardian by M. Mohan Rao the 1st petitioner herein,

ದ ನಾ

~~ದಕ್ಷಿಣಕನ್ನಡಾ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಗ್ರೇಡ್ ಪ್ಲೀಡರ್~~ ನು. ರಾ. K. Srinivasa Rao Advocate, Madras

ಮೇಲ್ಕಂಡ ವ್ಯವಹರಣೆಯಲ್ಲಿ ನ ಕಡೆಯಿಂದ ವಕೀಲರಾಗಿ ನೇಮಿಸಿ ನ ಕಡೆಯಿಂದ ಸಮಸ್ತ ವ್ಯವಹರಣೆ ನಡಿಸಲಿಕ್ಕೂ, ಅದರಲ್ಲಿ ಉಂಟಾಗುವ ಯಾವುದೊಂದು ಹುಕುಮಿನ ಡಿಕ್ರಿಯ ಅಮಲ್‌ಜ್ಯಾರಿ ನಡಿಸಲಿಕ್ಕೂ ಅಥವಾ ಹುಕುಮುಗಳು ವ ಡಿಕ್ರಿಗಳು ಪೂರ್ಣ ಸಮಾಧಾನವಾಗುವ ವರೇಗೆ ಎಲ್ಲಾ ವಿಧದ ವ್ಯವಹರಣೆಗಳನ್ನು ನ ಕಡೆಯಿಂದ ಹಾಜರಾಗಿ ವ್ಯವಹರಿಸಲಿಕ್ಕೂ ನ ಕಡೆಯಿಂದ ದಸ್ತಾವೇಜುಗಳನ್ನು ವ ನ ಗೆ ಬರತಕ್ಕ ಹಣಗಳನ್ನು ಪಡಕೊಳ್ಳುವರೆಯೂ ಈ ಮೂಲಕ ಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟರುತ್ತೇ. ತಾ. ನೇ 193 ನೇ ಇಸವಿ.

11-11-1938.

Madiman Mohan Rao

Witness to the Signature R.N. Rao
11.11.38
Medical Officer

~~Address for services~~

ಈ ವಕಾಲತು ಬರಕೊಂಡಮೇಲೆ ಹೆಸರು ಕಾಣಿಸಿದವರು।

ಇದನ್ನು ದಸ್ತುಮಾಡಿ ನನ ಮುಂದ ಒಪ್ಪಿರುತಾರೆ. ತಾ. 193

Accepted
The address for service 29 Kutchery Road
Mylapore Madras
[illegible]

South Kanara District.

Before The Hon'ble Members,
The Board of Revenue, Madras.

Revision Petn. No: of 1938.

Vakalat on behalf of the first petitioner herein.

Mr. K. Srinivasa Rao,
Advocate for Petitioners.

2nd petitioner's ಕಡೆ **ವಕಾಲತ್‌ನಾಮೆ**

(1908ನೇ ಇಸವಿ Vನೇ ಆಕ್ಟಿನ 3ನೇ ಆರ್ಡರ್ 4ನೇ ರೂಲ್ ವ ಸಿವಿಲ್ ರೂಲ್ಸ್ ಆಫ್ ಪ್ರೆಕ್ಟೀಸಿನ 218 Aನೇ ರೂಲ್ಸ್ ಪ್ರಕಾರ)

~~ದಕ್ಷಿಣಕನ್ನಡಾ~~ Before the Board of Revenue ಕೋರ್ಟ್‌ನಲ್ಲಿ Madras

Rev P ನಂಬ್ರ 1938.

Menor Chavan Vmmarakar by guardian K Mohan Rao ಮತ್ತು and G Srinivasa Maiya, the petitioner

~~ನಾವುಗಳಾಗಿ~~

I, G. Srinivasa Maiya, the 2nd petitioner herein,

ದ ನಾ

~~ದಕ್ಷಿಣಕನ್ನಡಾ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಕ್ರೀಡ್ ಪ್ಲೀಡರ್~~ ನು. ರಾ. K. Srinivasa Rao, the Advocate, Madras,

ಮೇಲ್ಕಂಡ ವ್ಯವಹರಣೆಯಲ್ಲಿ ನ ಕಡೆಯಿಂದ ವಕೀಲರಾಗಿ ನೇಮಿಸಿ ನ ಕಡೆಯಿಂದ ಸಮಸ್ತ ವ್ಯವಹರಣೆ ನಡಿಸಲಿಕ್ಕೂ, ಅದರಲ್ಲಿ ಉಂಟಾಗುವ ಯಾವುದೊಂದು ಹುಕುಮಿನ ಡಿಕ್ರಿಯ ಅಮಲ್‌ಜ್ಯಾರಿ ನಡಿಸಲಿಕ್ಕೂ ಅಥವಾ ಹುಕುಮುಗಳು ವ ಡಿಕ್ರಿಗಳು ಪೂರ್ಣ ಸಮಾಧಾನವಾಗುವ ವರೇಗೆ ಎಲ್ಲಾ ವಿಧದ ವ್ಯವಹರಣೆಗಳನ್ನು ನ ಕಡೆಯಿಂದ ಹಾಜರಾಗಿ ವ್ಯವಹರಿಸಲಿಕ್ಕೂ ನ ಕಡೆಯಿಂದ ದಸ್ತಾವೇಜುಗಳನ್ನು ವ ನ ಗೆ ಬರತಕ್ಕ ಹಣಗಳನ್ನು ಪಡಕೊಳ್ಳುವರೆಯೂ ಈ ಮೂಲಕ ಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟರುತ್ತೇ. ತಾ. ನೇ 193 ನೇ ಇಸವಿ.

Srinivasa Maiya.

20-11-1938.

~~Address for service:~~

ಈ ವಕಾಲತು ಬರಕೊಂಡಮೇಲೆ ಹೆಸರು ಕಾಣಿಸಿದವರು

ಇದನ್ನು ದಸ್ಕತುಮಾಡಿ ನನ್ನ ಮುಂದೆ ಒಪ್ಪಿರುತ್ತಾರೆ. ತಾ. 20-11-1938.

A. Shankaranarayana Hebbar Village — Munsiff of Airody.

Accepted. The address for service is as mentioned above

4

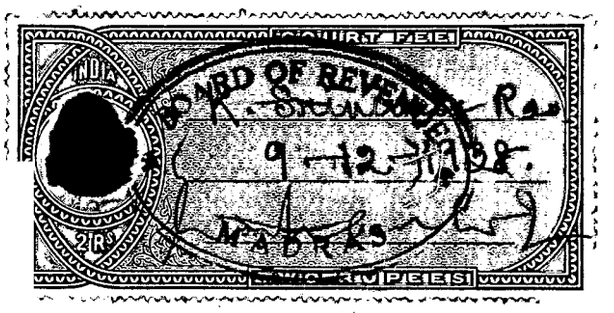
South Kanara District.

Before The Hon'ble Members,
The Board of Revenue, Madras.

Revision Petn. No: of 1938.

Vakalat on behalf of
Second petitioner herein.

Mr. K. Srinivasa Rao,
Advocate for Petitioners.



CFL Rs 9-8-0

A 66 R1

Before

The Hon'ble Members.

The Board of Revenue, Madras.

Humble Revision Petition of (1) Minor Bhavani Shankar Rao, by guardian, Sri. Mohan Rao; and (2) G. Srinivasa Mayya (deputy); dated the 8 day of December, 1938. most respectfully showeth:

1. That one M. Shama Rao, the last permanent Shanabhogue (Karnam) of Kachur Taraf, Udipi Taluk, South Kanara District, was removed from office by reason of old age &c., and the Revenue Divisional Officer, Kundapur, registered the first petitioner as the permanent shanabhogue and as proposed by the minor's guardian appointed the second petitioner as minor' deputy.

2. That against this order one B. Lakshminarayana Varamball a stranger to the family of the last incumbant appealed to the District Collector, South Kanara, (claiming the permanent right) alleging his hereditary claim to the office and that Officer while upholding the registration of the first petitioner as the permanent shanabhogue, set aside the appointment of the second petitioner as deputy and appointed the appellant (lakshminarayana) before him as the deputy.

3 That the petitioners submit that this appellate order setting aside the appointment of second petitioner as deputy is highly unjust, is opposed to the Board Standing Orders, and is entirely based on a total and deliberate misrepresentation of facts made by the appellant, because:---

(1). There is absolutely no reason in this case

to disregard the wishes of the minor's relative.

P.17 Para 3.

(ii) The only reason set out to so disregard the wishes, Viz., the whole family of the first petitioner lives in Bombay, is based on deleberate and wholesale misrepresentation of facts. The minor's paternal grand-father, Padmanabhayya, is a junior Inspector of Schools at Udipi. The minor's elder brother, Vidiyananda Rao, is living with him and is a pupil in III Standard in Saraswati Balika Patasala, there. The minor's junior paternal grand uncle, Manjunathayya, a retired clerk in the Registration Department, draws his pension from the Sub Treasury, Coondapoore, and lives at Brahmavar, Udipi Taluk. Another junior paternal grand uncle, M. Shama Rao, the last incumbant lives at Kundapur. These facts will be borne out by a perusal of the records in this case, especially by a reference to places of their examination. In fact no member of the family lives in Bombay. It is only the petitioners father that is employed in Asbestos Cement Co., Kymoe, the Central Provinces. The minor like his elder brother, will be educated and brought up in the District alone by the paternal grand-father.

(iii). Even assuming that the non-residence of the first petitioner's family in Bombay to be true, it is no sufficient ground to disregard the wishes of the minor's guardian.

(iv). The learned District Collector overlooked in spite of his attention being drawn to, that the

South Kanara District.

Before The Hon'ble Members,

The Board of Revenue, Madras.

Revision Petn. No. of 38.

-- against --

No. of 1938

District Collector, South Kanara

Memo. of Revision Petition.

Enclosures:--

2 Vakalats

Coondapur R.D.O's order copy 30.6.32

S. Canara D.C. Collector's order copy 28.6.33

Coondapur R.D.O's order 29.4.38

Mr. K. Srinivasa Rao.,

Advocate for Petitioners.

Original at Page 65.

R.Dis. 3421/38.

Proceedings of the Revenue Divisional Officer, Co... - poor, dated the 30th June 1938.

Sri Y. V. Subrahmanyam Pantulu, B.A., B.L.

Village officers - Udipi taluk - Kachur xix tarf - Shanbhogue - M. Shama Rao - Removal from service - Proposal to fill up the vacancy - Report - Orders passed.

Read the following:-

1. Udipi Tahsildar's report R.Dis. 8416/37, dated -- 2-6-38.

2. This office R.Dis. 4228/37, dated 21-10-37.

Bhavani Shanker Rao, minor son of M. Mohan Rao, one and a half years is registered as the permanent Sh... of Kachur tarf. He should qualify himself and join within three years after attaining majority.

2. As proposed by the minor's guardian, G. Srini... Mayya, son of Ganesnappa Mayya is appointed deputy to the minor.

/ By order / B. N. Nayak
Head Clerk. 7.7.38

W.F.M/7-7.

To the minor's guardian M. Mohan Rao, son of M. Padmanabhaya, C/O Asbestos Cement Ltd., Kymore, P.O. C.P.

Copy to the Tahr. of Udipi.

Copy to G. Srinivas Mayya through the Tahsildar of Udipi.

D.Dis.5466-38.

Proceedings of the Collector of South Kanara dated 28th October 1938.

Sri Rao Bahadur M. V. Vellodi, B.A.

Sub:- Village Officers - Udipi Taluk - Kachur taraf Shanbhogue's appointment - Appeal - orders passed

Read:-(1) Appeal petition dated 21.8.38 of B.Laxminarayana Varamballi, son of Subraya Varamballi residing at Pandeshwar village, Udipi Taluk.

(2) Coondapur Revenue Divisional Officer's rom. L.Dis.5274/38 dated 6.9.38 and the connected records.

(3) Petition dated 15.10.38 of M. Mohan Rao and written counter of 2nd Respondent filed by Vakil Sri S. Narsappaya, Mangalore.

(4) Heard Sri Dewan Bahadur B. Mahabala Hegde, Advocate, Mangalore, for the appellant and Sri S.Narsappaya for the 2nd respondent.

ORDER.

This is an appeal presented by B. Laxminarayana Varamballi against the order of the Revenue Divisional Officer, Coondapur, registering Bhavani Shanker Rao as minor shanbhogue of Kachur taraf and appointing G.Srinivas Mayya as deputy shanbhogue of the same taraf.

2. With the removal from office of Shama Rao, permanent shanbhogue of Kachur taraf, a vacancy arose. There were no qualified heirs. Shama Rao himself had no children and therefore heirs had to be found from the grand-children and great-grand-children of his elder brother Mangesharaya. In this category there were four ------- individuals whose claims had to be considered: (1)Shantaram (2) Panduranga both sons of Ananthaya, son of Mangesharaya and (3) Vidyananda Rao and (4) Bhavani Shanker Rao, great-grand-children of the same Mangesharaya descending from another son of Mangesharaya named Padmanabhaya. Of these

Shantaram did not reply to the notice. Ramkrishna who was previously registered as shanbhogue of Ampar did not care to join duty in that village and therefore his claims were not considered. Vidyananda Rao was already register as shanbhogue of Ampar village. The remaining person, a child of 12 years, Bhavani Shanker Rao was therefore --- recommended for registration by the Tahsildar and he was accordingly registered as Isum shanbhogue or kumar taraf. His father Mohan Rao recommended the appointment of G. Srinivasa Mayya as deputy for his son and he has been appoi ed as deputy shanbhogue accordingly. No objection can be found to the registration of minor Bhavani Shanker Rao and as a matter of fact, the appellant does not claim the post as a matter of right.

3. The appellant brings to my notice that the 1st respondent's father, in fact the whole family, lives permanently in Bombay, that there was no chance of his ever joining duty and that in the circumstances it is unnecessary to recognise the hereditary claim of a family which is not likely to take up the appointment. He repre that he has been acting on and off on this post from the year 1920 and that he has acted in various other tarafs a total period of 4 years, 2 months and 24 days. The appellant further represents that the second respondent, Srinivasa Mayya has actually purchased the Deputy shanbhog ship from the minor's guardian for Rs. 450/- He has, of course, no evidence to prove this. It is a fact that t minor's guardian and the whole family lives in the Bomb Presidency. Paragraph 9 of Board's Standing Order No.14 requires that the minor's guardian should be consulted ar someone acceptable to minor's guardian should be appointe if possible. The principle on which this order is base is that the deputy should be a person who will take an

interest in the minor to educate him in all the details of work which the shanbhogue or village munsif has to do. In the present case, it is clear that the circumstances of the minor are such as to make it impossible for the lad to take up his abode in the village for several years to come. In cases like this where the family of the isumdar does not live in the village, it is scarcely necessary to consult the minor's guardian. I therefore think it unnecessary to accede to his wishes and appoint the second respondent as deputy shanbhogue. That portion of the order of the Revenue Divisional Officer appointing the second respondent is, therefore, cancelled. As the appellant has some claims for the job and as he has put in considerable service as village officer, he is appointed as deputy shanbhogue of Kachur taraf.

/By Order/

Huzur Sheristedar.

31-X-38.

To

(1) The appellant B. Laxminarayana Varamballi through his Advocate Sri Diwan Bahadur B.Mahabala Hegde, B.A.,B.L.,Mangalore.

(2) The 1st Respondent minor Bhavani Shanker Rao represented by his guardian Sri M.Mohan Rao,c/O Asbestos Cement Ltd.,Kymore P.O. C.P.

(3) The 2nd respondent G.Srinivasa Mayya through his vakil Sri S.Narsappaya, Mangalore.

(4) The Revenue Divisional Officer, Coondapur with his file R.Dis.3421/38 return.

(5) The Tahsildar of Udipi for information and necessary action.

BOARD OF REVENUE
12 DEC 1938
MADRAS

A6681/38

A6719

Before The Hon'ble Members, Board of Revenue, Madras.

Humble Supplemental Revision Petition of (1) Minor Bhavanishanker Rao.. by guardian Sri. Mohan Rao., and (2) G. Srinivasa Mayya, dated this 12th day of December 1938, Most Respectfully Showeth

1. That the Revenue Divisional Officer, Coondapur, registered the first petitioner as a permanent Shanabhogue of Kachur Taraf, Udipi Taluk, South Kanara District, and as proposed by the minor's guardian, appointed the second petitioner as the minor's deputy On an appeal by B. Lakshminarayana Varamballi, to the District Collector, South Kanara, alleging his hereditary claim to the office, set aside the appointment of the second petitioner as Deputy and appointed the appellant before him as the Deputy. The petitioners submits that this appellate order setting aside the appointment of the second petitioner as deputy is highly unjust and opposed to the Board Standing Orders. As required by the Board Standing Orders, an appointment of a deputy should be made with the wishes of the minor guardian, the Revenue Divisional Officer, Coondapur, after consulting the guardian of the registered minor and after due enquiries appointed his nominee. The collector set aside the order of the Revenue Divisional Officer. This is opposed to the Boards Standing Orders. There were no reasons for the interference with the appointment duly made by the Revenue Divisional Officer. The action of the Collector, therefore, is not justifiable.

2. The only reason set out to disregard the wishes

namely, that the whole family of the first petitione: lives in Bombay, is based on deliberate and wholesale misrepresentation of facts. As stated in the first petition, all the relatives of the minor live in Udipi and Coondapur Taluks. In fact no member of the famil: lives in Bombay. The minor, like his elder brother, will be educated in the District by his grand-father. Even assuming that the non-residents of the first petitioner's family in Bombay to be proved, it is no sufficient ground to disregard the wishes of the minor's guardian.

3. That the learned District Collector overlooked in spite of his attention being drawn to, that the appellant before him was several times in the course of the temporary appointment in different places was found unfit and was in fact removed. The order D.Dis.No.2733/1930. of R.D.O., Coondapur, will reveal the fact. It is therefore absolutely necessary that this order and the letters connected therewith ought to be called for, and perused.

4. The allegation of the appellant before the District Collector that the second petitioner purchased the Deputy Shanabhogueship from the 1st petitioner's guardian for Rs.450/-. is wholly false and malicious and is deliberately made to create prejudice.

5. The person now appointed has falsely set up hereditary claim adverse to the lawful title of the minor first petitioner. He ought not to be appointed as Deputy, as it is unsafe to handover the office to him who is sure to act adversely to the interest of the minor petitioner and he cannot be accepted to take genuine interest in the minor, who has been registred for it. In setting aside the Revenue Divisional Officer's order and appointing 2nd Lakshminarayana Varambally nominee

Srinivasa Rau, B.A.B.L.

Advocate

29 Kutchery Road,
Mylapore,
Dec. 27, 1938.

A 108

D 55

To

The Secretary,
The Board of Revenue, Madras

In re. the revision petition of (1) minor Bhavani Sankara Rau, by guardian Sri Mohan Rau and (2) G. Srinivasa Mayya against the order of the Dt. Collector, S. Kanara appointing Lakshminarayana Varamballi as Deputy Shanabhogue of Kachur Taraf, Udipi Tq. S. Kanara Dt.

Dear Sir

In the above matter I crave leave to produce herewith (1) a certificate from the Head Master, Saraswathi Balika Pathashala Udipi and (2) an affidavit of M. Padmanabhaya, Junior Inspector of Schools, Udipi, in support of the petition.

I have the honour to be
Your most obedient
Servant
K. Srinivasa Rau
Advocate for Petitioners

CMG 31.1.39.

O.F.10a

DRAFT FOR APPROVAL

	Date.	Initials.
When received for fair copying ..	30/1/39	
When copied ..	30/1/39	
When examined..	30.1.39	
When signed ..		
When despatched	31	

DESPATCHED 31 JAN 1939

SUBJECT: V.Os - Shanbeque - Deputy - (S Kamara) - Adoption - Kachun Conteh - Appointment - Revision Petn by guardian - SR Mokonu Nyo

READ AGAIN ..... , dated ..... 19....

" " ..... " ..... 19....

READ *ALSO*:—

P. 5 Cf. No. A668/38 From the Petns Comte, No. — dated nil 19..

P. 21 Cf. " A67/39 " do " — " 12.12 19 38

P. 25 Cf. " A 68/39 " do " — " 27.12 19 38

Ngee Order / Resolution Ms. / Rout. No. A6681/38-1, dated 28.1.19 39

Forwarded to the Clk of S. Kamara for ... of the Connecta records together with any remarks which he Considers necessary on the allegations in the petn which are not clearly dealt with in the records

Clk

28.1.39. 24/1/39

To the Clk of S. Kamara

(with petition & Affdvt enclosed in original to be returned)

Pages 5-32 Cf to be sent.

28/1

37 T. A. ESQ.

C.F.16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..	9/6/38	
When copied ...	10/6	
When examined...	10.6	
When signed ..		
When despatched.		

SUBJECT:—

V.Os- Shanbogue - vacancy - S. Canara, Udipi Taluk - Kachur Taraf - Appointment - Revision Petn by guardian Sri Mohan Rao - Allowed.

READ AGAIN _____, dated _____ 19____.

P.5 C.F. ,, ,, A 6681-38 from the Petns Counsel d. 20.11.19 38.
P.13 C.F. READ ALSO:— Coondapoor R.D.O's R.Dis 3421-38 d 30.6.38
P.15 C.F. No. 1 From the S. Canara Coll., No. D.Dis 5466-38, dated 28.10.19 38.
P.33 C.F. ,, Petn Board A 6681/38-1, 28.1.19 39.
P.35 C.F. ,, A 1200/39 S. Canara D.Dis 955-39, 7.3.19 39.

Q

~~Order~~ / Resolution ~~Rout.~~ Ms. No. 1420, dated 25.5.19 39.

PP 5-8 C.F.

This is a revision petn by Sri Mohan Rao guardian of Minor Bhavani Shankar Rao, registered for the Shanbogue's office of Kachur Taraf in the Udipi Taluk, S. K. Dt. The petn is against the S.K Coll's order No. D. Dis 5466-38 d 28.10.38, setting aside that of the R.D.O. Coondapoor No. R.Dis 3421-38 dated 30.6.38, appointing Srinivasa Mayya, the guardian's nominee, as deputy for the said Minor

PP 15-19 C.F.

P. 13 C.F.

2/ The Board has

perused the connected records and finds that the Coll. has set aside the appointment of the guardian's nominee on an appeal from a person (Lakshmi narayana Varamballi) who is not acceptable to the guardian and who has now been appointed by the Coll. The general rule is that some one acceptable to the minor's family should be appointed, if possible. Further, according to B.P. 8 Pres d. 20.1.87 ~~which is an amplification~~, no person has a statutory claim to be appointed as deputy and appeals relating to claims to appointment as deputy should not ordinarily be admitted. In the present case the Coll. has not only admitted and allowed an appeal from the said Lakshminarayana Varamballi who has no statutory claim for the post but also set aside the appointment of the guardian nominee, which was made

P.13 cf

PP 15-19 cf

P.13 cf

in accordance with the rules. The Board also finds that the said Lakshmanayana Varamballi whom the Coll^r has now appointed, was previously shanbogue in another village that charges were framed against him for unsatisfactory work ~~delay in submission of B. Memo, collusion etc~~ and that he was

P. 23 (G)

P. 28. (G)

forthwith relieved from office on these ground the Board further finds that this Lakshminarayana was in fact previously twice debarred from future appointment

P. 3 cf. (G)

for submission of false returns etc. and that therefore he is not a suitable man for the post.

3/ ~~In any case~~ the Board is of opinion that the Coll^r should not have entertained the appeal from Lakshmanayana Varamballi for the reasons stated above and that the Consent of the guardian is necessary for appointing a deputy for the registered minor In the result the Board sets aside the Coll^r's

PP 15-16. cf

order No D.Dis 5466-38 dated

28.6.38 and restores that of the A.D.O. Coondapoor No R. Dis 3421/38 d. 30.6.38, appointing Srinivasa Mayya as deputy for the registered Minor Bheemani Shankar Rao

13.5.38

1355

P. 134

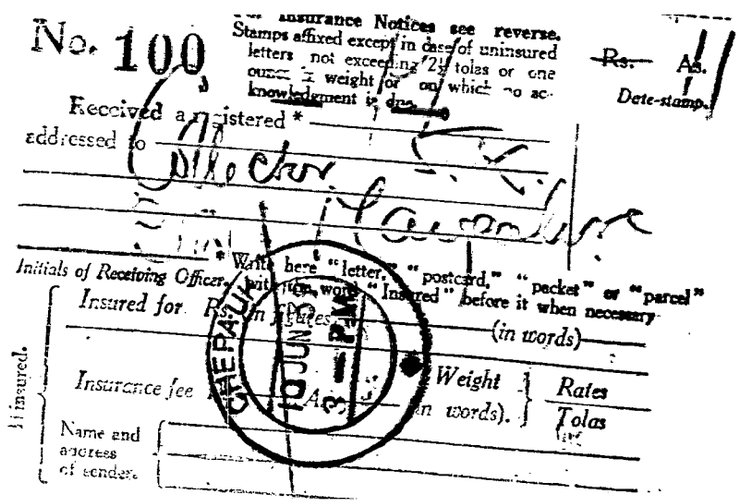
To

Sri. Sri Nolan Rao
C/o Sri. K. Srinivasa Rao.
Advocate
29. Kutcherry Road.
Mylapore: Madras.

(with enclosures returned)

To (Pages 11-12, 27-28, of the.

The Collr of S. Kanara
(with records as per list returned)


No. 100
Insurance Notices see reverse.
Stamps affixed except in case of uninsured letters not exceeding 2½ tolas or one ounce in weight for which no acknowledgment is due.
Rs. As.
Date-stamp.
Received a registered *
addressed to
* Write here "letter," "postcard," "packet" or "parcel" with the word "Insured" before it when necessary.
Initials of Receiving Officer
Insured for Rs. (in figures)
(in words)
Uninsured.
Insurance fee
Weight
Rates
Tolas
Name and address of sender.
JUN 30 PM

BB6 81/38

PETITION NOTE FILE.

Subject.- Village Officers - Shanbogue - Deputy - (S. Kanara) Udipi Taluk - Kachur Taraf - Appointment - Revision Petition by guardian Sri Mahabala

Date of Receipt.- 12.12.38.

Note.- If the answer to any of the questions noted below admits of a simple and direct answer this answer should be noted against the question. Where the answer is in doubt and requires discussion and orders the words 'see below' should be entered instead and the question dealt with in the body of the Office Note under the numbered heading which will be repeated for the purpose.

1. Nature of petition? (Original, appeal or revision).

Revision

2. Under what statute, law or other provision is it preferred?

Please see against item 4 below

P.855.BSO

3. In cases of appeal or revision - authority on which original (and lower appellate) orders were passed.

K. Dist order passed under B.S.O. 14

Coll's order passed under BSO. 15c = 870.BSO

4. Under what authority does the Board entertain this petition?

Under the orders Contained B.P. Mis 1073 d. 6.4.34 Extracts at (M)

5. Stamps - (quote authority in every case)

(a) Is the petition with enclosures properly stamped?

Yes B.S.O.172 (10) - Appx XIV Rule XI (2) P.1069 BSO 4th Ed.

(b) If exempted from Stamp duty state authority?

Does not arise

6. Limitation.

(a) Is the petition in time - State time allowed - with authority.

Yes
Three Months - BSO 172 (10) App. XIV Rule X (2) P.1068 BSO 4th Ed.

(b) If the petition is time-barred--

(i) Is there authority to condone delay?

(ii) If so state here any grounds adduced for condonation.

Does not arise

7. Miscellaneous.-

Are there any other technical points for consideration?

If so, state them briefly.

A.S.(LR)

PP 5-8 CF

This is a revision petition from the guardian of the registered minor Bhavani Shankar Rao, against the Collector's order (PP 15-19 CF) setting aside the appointment, by the R.D.O. (P. 13 CF), of Srinivasa Mayya, the guardian's nominee, as deputy for the said minor.

2. The Collector's grounds for interference with the appointment of the guardians nominee are that the minor's family lived in the Bombay Presidency and that in cases where the family of the isumdar did not live in the village, it was scarcely necessary to consult the minors guardian and that it was unnecessary to accede to his wishes in the matter.

3. The petitioner contends that the isum family lives in the South Kanara district itself, whereas the Collector in his order appealed against has stated that it lives in the Bombay Presidency. In his subsequent report the Collector has stated they are scattered in Bangalore, Madras and the Central Provinces. But wherever the family might live, the fact remains that the Collector has recognised and approved, the registry of the minor. And having so approved the registry, the Collector cannot, it seems, deny the guardian to the registered minor, his right of suggesting his nominee for the deputy's post, which is a right he derives from B.S.O. 148(9)

4. In this case, the Collector has set aside the appointment of the guardian's nominee on an appeal from a person (Lakshminarayana Varamba who is not acceptable to the guardian and who has now been appointed by the Collector. The general rule is that some one acceptable to the minor's family should be appointed if possible. Moreover according to B.P. 8 Press dated 20-1-37 which is

an amplification of B.S.O.148(9), no person has a statutory claim to be appointed as deputy and appeals relating claims to appointment as deputy should not ordinarily be admitted. In this case the Collector has not only admitted and allowed an appeal from Lakshminarayana Varamballi who has no statutory claim for the post, but also set aside the appointment of the guardians nominee which was made in accordance with the rules. It will also be seen that the said Lakshminarayana Varamballi whom the Collector appointed was previously shanbogue (Karnam) in another village, that charges were framed against him for delay in submission of B[redacted] memo, collusion with an encroacher etc. and that he was forthwith relieved of his shanbogues charge - Vide the Collector's report at P. 36 C.F. The Collector reports that these matters were not placed before him and that the R.D.O. has now submitted the relevant file. It is seen that Lakshmi Narayana Varamballi was previously twice debarred from future appointment for submission of false returns etc. The petitioner's contention that Lakshminarayana acted as Shanbogue in several places and was found unfit and removed from service would thus seem to be correct.

5. In these circumstances the Collector's order interfering with the appointment of the guardians nominee which was made in accordance with the rules by the R.D.O, and appointing one who was twice removed from service for bad work seems to be open to question. It is for consideration whether the R.D.O'S order may be restored. for the reason that the Collector should not have entertained an appeal in this case. & that the consent of the minor's guardian was necessary.

A.S.(R)

A.S.(L.R) — Pl. file M3's orders at P. 6.0.5

Brass. Submitted.

18.5.39

17.5.39

B.P.No. Mis 1420

Dated 25.5.39

Single Member.

Two Members.

Full Board.

I-A.	A.D.S. & L.R.	Asst. Secretary. Land Rev.	Sett. Rev.	Sep. Rev.	J.S. Secy	M 3	M 2	M 1

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(1) Open file seen by

(2) Final draft seen by

(3) Now circulated to

(4) Initials

T663

Passed for record.

Secretary
Joint Secretary

~~A.S.(C.W.)~~

A.S.(L.R.) 4(1763)

A.S.(Sett.)

A.S.(Excise) 1565

A.D.S. & L.R.

I-A.

*Note.- Entries not required to be scored out.